EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2007-1073-PST-E TCEQ ID: RN105209035 CASE NO.: 34138 RESPONDENT NAME: ORANGE COUNTY DEVELOPMENT CO.

ORDER TYPE:						
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
AMENDED ORDEREMERGENCY ORDER						
CASE TYPE:						
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
· WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
SITE WHERE VIOLATION(S) OCCURR TYPE OF OPERATION: Property with ina SMALL BUSINESS: X Yes		County				
•	e are no complaints. There is no record of add	litional pending enforcement actions				
INTERESTED PARTIES: No one other tha	n the ED and the Respondent has expressed ar	interest in this matter.				
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on October 5, 20	008. No comments were received.				
Ms. Lena Rober TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Dere Respondent: Ms. Gisela Houseman Texas 77630	Richard, Litigation Division, MC 175, (512) 23ts, Litigation Division, MC 175, (512) 239-001 Mr. Steven Lopez, Waste Enforcement Sections Eades, Beaumont Regional Office, MC R-10n, President, Orange County Development Co., Sanders, Attorney at Law, Sanders & Sanders, 531-0519	19 on, MC 128, (512) 239-1896 O, (409) 899-8705 12921 Interstate Highway 10 East, Orange,				

RESPONDENT NAME: ORANGE COUNTY DEVELOPMENT CO. DOCKET NO.: 2007-1073-PST-E

VIOLATION SUMMARY CHART:

	Total Control	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$6,500	Ordering Provisions
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$0 Expedited Settlement Financial Inability to Pay SEP Conditional Offset	The Respondent shall undertake the following technical requirements: 1. Immediately, submit a completed UST
Date of Complaint Relating to this Case: None	Total Paid to General Revenue: \$6,500	registration form indicating that the USTs have been removed.
Date of Investigation Relating to this Case: April 19, 2007	The Respondent has paid the administrative penalty in full.	Within 30 days, submit an Affected Property Assessment Report. If response
Date of NOE Relating to this Case: June 15, 2007	Site Compliance History Classification N/A	actions are necessary, Orange County Development shall comply with all applicable requirements of the Texas Risk
Background Facts: The case was referred to the Litigation division on January	Person Compliance History Classification N/A	Reduction Program.
23, 2008. The EDPRP was filed on March 12, 2008. An agreed order was signed on July 7, 2008.	Major Source: Yes _X_ No	3. Within 45 days, submit written certification to demonstrate compliance with the above Ordering Provisions.
Current Compliance Status: Technical Requirements have not yet been completed.	Applicable Penalty Policy: September 2002	
PST: 1. Failed to submit a construction notification form to the TCEQ 30 days prior to the tank removal or to request a 30 day construction waiver, and failed to notify the TCEQ 24 to 72 hours prior to the commencement of the tank removal [30 Tex. ADMIN. CODE § 334.6].		• •
2. Failed to register the USTs [30 Tex. ADMIN. CODE § 334.7].		
3. Failed to submit a site assessment and a release determination report to the agency for a leaking UST within 45 days after the removal of three USTs [30 Tex. ADMIN. CODE § 334.78].		
4. Failed to contain and immediately clean up a spill or overfill of any petroleum substance from an UST [30 Tex. ADMIN. CODE § 334.75(b)].		·
5. Failed to ensure that UST removal is conducted by qualified personnel possessing the appropriate skills, experience, and competence, failed to reduce residual vapor levels in the removed USTs to non-explosive and non-ignitable levels [30 Tex. ADMIN. CODE §§ 334.55(a)(3), 334.55(b)(4)(E) and 334.55(b)(5)(C)(ii)].		a

Policy Revision 2 (Septer		y Calculatio	n Works	sheet (P	•	sion June 26, 2007
TCEQ						
	25-Jun-2007 16-Jun-2008 Scre e	ening 5-Jul-2007	EPA Due			
RESPONDENT/FACILITY IN						
Respondent C	range County Develo N105209035	pment Co.				
Facility/Site Region 10			Major/I	Minor Source	Minor	
CASE INFORMATION						
Enf./Case ID No. 34	4138 007-1073-PST-E		No.	of Violations		
Media Program(s)		ık	Enf.	Order Type Coordinator	Shontay Wilcher	1.
Multi-Media			010.000	EC's Team	EnforcementTeam 6	
Admin. Penalty \$ Lir	nit Minimum \$0) Maximum	\$10,000			
	Pe	enalty Calcula	ation Sect	tion		
TOTAL BASE PENALT					Subtotal 1	\$6,500
hand to be a second or a secon						FEFERENCE ARVIN
ADJUSTMENTS (+/-) T Subtotals 2-7 are obtained	by multiplying the Total Ba	ase Penalty (Subtotal 1) b	y the indicated perc	entage.	Rainera la	
Compliance History	<u>y</u>	0%	Enhancement	Subt	otals 2, 3, & 7	\$0
Notes	No ad	ljustment for complia	nce history.	en de la companya de La companya de la co	,	
Ŀ		<u> </u>				
Culpability	No	0%	Enhancement		Subtotal 4	\$0
Notes	The Responde	ent does not meet th	e culpability crit	teria.		
			The second of the second of		·	
Good Faith Effort to	the part of the set of the second of the second of	0% EDPRP/Settlement Offer	Reduction		Subtotal 5	. \$0
Extraordinary	Belore NOV NOV 10					
Ordinary	X (mark wit		,			
			- 1	And the second		
Notes	i ne Responde	ent does not meet th	e good faith crit	епа.		
		0%	Enhancement*		Subtotal 6	\$0
	otal EB Amounts \$95 st of Compliance \$12,8	*Capped	d at the Total EB\$.	Amount	Process - Ball the of models of histories - State of	
			and the state of the state of the	ese o no emercicar	stov Kimo Sverozopinek u	<u> </u>
SUM OF SUBTOTALS	1-7.			-	inal Subtotal	\$6,500
OTHER FACTORS AS	JUSTICE MAY RE	EQUIRE			Adjustment	\$0
Reduces or enhances the Final Subt			y; e.g30 for -30%	.)	ann de Barant de la	
Notes					•	
				Final Per	nalty Amount	\$6,500
STATUTORY LIMIT AD	JUSTMENT			Final Asse	ssed Penalty	\$6,500
SPEEBBALD TOO STORY			00/			**
DEFERRAL Reduces the Final Assessed Penalty	by the indicted percentage	e. (Enter number only; e.g	0% a. 20 for 20% reduc	Reduction tion.)	Adjustment	\$0
NI-4	Doformal	offered for non-con-	ditad acttlemen	,		La constante de la constante d
Notes	peterral not	offered for non-expe	aiteu settiemer	11.		:
e volume Alisa ni ili Maria ilini		erik organizationer kontroller i som et eller	January Company	ay yan terasa saera eyara	ue tea nggues, vilit e <mark>t litter</mark>	
PAYABLE PENALTY						\$6,500

Sc	re	en	ing	Date	5-Jui	-2007
	_				_	_

Docket No. 2007-1073-PST-E

PCW

Respondent Orange County Development Co.

Case ID No. 34138

Policy Revision 2 (September 2002)
PCW Revision June 26, 2007

Reg. Ent. Reference No. RN105209035

Media [Statute] Petroleum Storage Tank

Com		Site Enhancement (Subtotal 2) Number of	Inter Number Here	Adjust.	a grafini
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	. 0	0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	·0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
		Any criminal convictions of this state or the federal government (number of counts)	0	0%	٠
		Chronic excessive emissions events (number of events)	. 0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	. 0	0%	
		Pleas	e Enter Yes or No		
		Environmental management systems in place for one year or more	. No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
Repe	at Violator (Su	Adjustment Pe	ercentage (Su	ibtotal 2)	0%
	No	Adjustment Pe	ercentage (Su	btotal 3)	0%
omp	oliance History	Person Classification (Subtotal 7)			val)
	N/A	Adjustment Pe	ercentage (Su	btotal 7)	0%
omp	liance History				
	Compliance History Notes	No adjustment for compliance history.			
	•	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)	0%

	eening Date			The state of the s	cket No. 2007-1073-PST-E		PCW
1			ty Development C	Co.		Policy R	evision 2 (September 2002)
	Case ID No.					P	CW Revision June 26, 2007
Reg. Ent. Re							
the state of the s	dia [Statute]						
	Coordinator		ner 				
V10		<u> </u>		-			
	Rule Cite(s)		30	Tex. Admin	ı. Code § 334.6		
		-					
Violatio	on Description	removal or fa	iled to request a 3 o, the respondent	30 day constr failed to noti	form to the TCEQ 30 days prior to fruction waiver prior to initiating tank ify the agency between 24 to 72 hout of the tank removal.	removal	
					Base	Penalty[\$10,000
>> Environmenta	l Proporty a	nd Human	Haalth Matrix				
ZZENYIIOIIIIIGIICA			Harm				
	Release	Major	Moderate	Minor			
OR	Actual Potential				Percent 0%		
	Poternian				reicent 0%		
>>Programmatic	Matrix						
	Falsification	Major	Moderate	Minor	and the second and the state of the second and the		
		X			Percent 10%		
	1 4 <u>1 - 1 4 7 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1</u>			, Johnson J. V. S.			
Matrix Notes	1		100% of the rule	e reqirement	was not met.	·	
					Adjustment	\$9,000	
Proc. and Company to the Company of	STATISTICA de l'Allamatina de l'article de la lactic	e demonstrate a modernine postane en	garante samuelines in describe de la companie	ar y taj brotaŭaŭ festa parti in Grind	Afficia de la Reconstrucción de la Companya del Companya de la Companya de la Companya del Companya de la Compa		
						L	\$1,000
Violation Events	Andrew Comments						
	Number of Vio	lation Events	1		30 Number of violation days		
		ensamment skare fr			· .		
~ 1	mark only one	daily monthly quarterly			. · Violation Base	Penalty \	\$1,000
	with an x	semiannual [
		single event	X				
	One single ev	vent is recomm		documentation.	on of the violation during the April 1	9, 2007	
Economic Benefi	t (EB) for thi	s violation			Statutory Limit Test		
	Estimated	EB Amount		\$0	Violation Final Penal	y Total	\$1,000
		_	71.1-			_	
			ı nıs v	iolation Fin	al Assessed Penalty (adjusted for	ıımıts)[_	\$1,000

		conomic	Benefit W	orks	sheet		
Resnonden	t Orange County	/ Development Co.	Product days of the explicit and a con-		ut uu ka maa ee taa ta oo oo	The second of the second	Manager di Kalabarat (1971) Tanàna mandritry (1981)
Case ID No		, Dovolopillom Go.					
Reg. Ent. Reference No							
		Taul					Years of
	a Petroleum Stor	age rank				Percent Interest	
Violation No	1	n jan jing ji san argada. Lina	er e gebeerde die jaar van die de 28 de	ower recess	ayay paray in a serring a per-		Depreciation
				· Y		5.0	15
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Item Description	n No commas or \$						
	10.1. 1.10.11.11.11.11.11.11.11.11.11.11.11.11						
Delayed Costs	5			-1			
Equipment				0.0	\$0	\$0	\$0
Buildings		ļ		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a w n/a	\$0
Training/Sampling				0.0	\$0	i win/a katala	\$0
Remediation/Disposal				0.0	\$0 \$0	n/all	\$0 \$0
Permit Costs	0100			0.0	I ⊅U	i. n/ai ku	35(1
Other (as needed)	\$100 Estimated co	20-Mar-2007 st to submit a cons	19-Apr-2007	0.1 or waiv	\$0 ver form to the age	ncy and to notify the	\$0
Notes for DELAYED costs	Estimated cortank removal	st to submit a cons prior to commence UST remo	struction notification ement within the re val date and the Fi	or waiv quired ti nal Date	ver form to the age imeframe. The Da is the date of the	ncy and to notify the te Required is 30 dainvestigation.	agency of the
Notes for DELAYED costs Avoided Costs	Estimated cortank removal	st to submit a cons prior to commence UST remo	struction notification ement within the re val date and the Fi	or waiv quired ti nal Date ntering	ver form to the age imeframe. The Da is the date of the item (except for	ncy and to notify the te Required is 30 dainvestigation.	agency of the sys prior to the
Notes for DELAYED costs Avoided Costs Disposal	Estimated cortank removal	st to submit a cons prior to commence UST remo	struction notification ement within the re val date and the Fi	n or waiv quired ti nal Date ntering	ver form to the age imeframe. The Da is the date of the item (except for a \$0	ncy and to notify the te Required is 30 dainvestigation.	agency of the ays prior to the osts)
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Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cortank removal	st to submit a cons prior to commence UST remo	struction notification ement within the re val date and the Fi	n or waiv quired ti nal Date ntering 0.0 0.0 0.0 0.0	ver form to the age imeframe. The Da is the date of the item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ncy and to notify the te Required is 30 da investigation. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	agency of the tys prior to the sys sys sys sys sys sys sys sys sys sy

Screening Date	5-Jul-2007	Docket N	lo. 2007-1073-PST-E	PGW
	Orange County Developmer	nt Co.	Po	licy Revision 2 (September 2002)
Case ID No.		•		PCW Revision June 26, 2007
Reg. Ent. Reference No.				
	Petroleum Storage Tank			
Enf. Coordinator		į.		
Violation Number				
Rule Cite(s)		30 Tex. Admin. Code §	§ 334.7	
Violation Description >> Environmental, Property a	and Human Health Matr Harm	STs in existence on or a Commission.	fter September 1, 1987 with the	alty \$10,000
OR Actual			1	
Potential			Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate	Minor		
Faisincation	Major Moderate	Minor	Percent 10%	
			1070	
Matrix Notes	100% of the	rule requirement was no	ot met.	
de la companya de la Decembra de la companya de la compa			Adjustment \$9,0	000
				\$1,000
				\$1,000
Violation Events				
100,100,000,000,000,000,000,000,000,000		· ·	The second secon	
Number of Vic	olation Events 1	77	Number of violation days	-
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Pena	11ty \$1,000
	event is recommended based	on documentation of the investigation.	violation during the April 19, 200	77
Economic Benefit (EB) for th	s violation		Statutory Limit Test	
The second commence of the second sec		MAT	and the state of t	The second secon
Estimated	I EB Amount	\$4	Violation Final Penalty To	tal \$1,000
	Th	nis violation Final Asse	ssed Penalty (adjusted for limi	ts) \$1,000

		conomic	Benefit W	ork!	sheet		
Responden	l Orange County	Development Co.		250,000		La Majolito (1975) et 1969 (1975).	erveille off the falls 201.
Case ID No		Bovolopinoni oo.					
Reg. Ent. Reference No	45						
		TI				K. Washington Paga N	Years of
	Petroleum Stor	age rank				Percent Interest	31944 . 4 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Violation No	.:2	una udan senggas sen	Sample of the state	untrage en en e	gagili, garan sagaren agangrapa sagaren berseri	والأحاسية فالشفيدي لفيلاق	Depreciation
	다 하면 수 있다.					5.0	15
를 당했다. 제 점을 되다는 그 경영화	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	ista sikit.	lbaid 934				
Delayed Costs		nerzesztő.		_ 37			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	ik sik kin/arsis iss	\$0
Record Keeping System				0.0	\$0	n/a a.s.	\$0
Training/Sampling				0.0	\$0	n/a track	\$0
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs	II .	11					
Other (as needed)	\$100	19-Apr-2007	19-Feb-2008	0.8	\$4	n/a	\$4
Notes for DELAYED costs	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST re ate is th	\$4 gistration form. To e expected date of	n/a n/a he Date Required is fompliance.	\$4 the date of the
Notes for DELAYED costs Avoided Costs	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the	gistration form. The expected date of item (except for	he Date Required is f compliance.	\$4 the date of the
Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	UST reate is the	gistration form. The expected date of the litem (except for \$0	he Date Required is f compliance. one-time avoided c	\$4 the date of the osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	UST reate is the ontering	gistration form. The expected date of the form the state of the state	ne Date Required is f compliance. one-time avoided c	the date of the osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the ontering 0.0 0.0 0.0	\$4 gistration form. The expected date of them (except for \$0 \$0 \$0	ne Date Required is frompliance. one-time avoided c \$0 \$0 \$0	s4 the date of the osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the intering 0.0 0.0 0.0 0.0	s4 gistration form. The expected date of them (except for \$0 \$0 \$0 \$0	ne Date Required is f compliance. one-time avoided c \$0 \$0 \$0 \$0	\$4 the date of the osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the string 0.0 0.0 0.0 0.0 0.0 0.0	\$4 gistration form. The expected date of them (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Required is f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$4 the date of the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the streng 0.0 0.0 0.0 0.0 0.0 0.0 0.0	s4 gistration form. The expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Required is f compliance. one-time avoided compliance so	\$4 the date of the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the string 0.0 0.0 0.0 0.0 0.0 0.0	\$4 gistration form. The expected date of them (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Required is f compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$4 the date of the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the streng 0.0 0.0 0.0 0.0 0.0 0.0 0.0	s4 gistration form. The expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Required is f compliance. one-time avoided compliance so	\$4 the date of the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	st to prepare and si investigation	ubmit a completed on and the Final D	0.8 UST reate is the streng 0.0 0.0 0.0 0.0 0.0 0.0 0.0	s4 gistration form. The expected date of tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Required is f compliance. one-time avoided compliance so	\$4 the date of the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Date 5-Jul-2007		ocket No. 2007-1073-PST-E		PCW
	ndent Orange County De	velopment Co.		Policy Revision 2 (Sep	tember 2002)
1	ID No. 34138	*		PCW Revision J	lune 26, 2007
Reg. Ent. Reference					
	atute] Petroleum Storage	Tank			
	inator Shontay Wilcher				
Violation N	<u> </u>				
Rule	Cite(s)	30 Tex. Admir	n. Code § 334.78		
Violation Desc			release determination report to the ter the removal of the three USTs.	agency for	
			Bas	se Penalty	\$10,000
				•	
>> Environmental, Prop					
		arm derate Minor			
ŌR	Actual	Jerate Willion			
AND SERVICE PROPERTY.	otential		Percent 0%		
				•	.
>>Programmatic Matrix					
Falsif	ication <u>Major</u> Mod	lerate Minor	The second second		
	x		Percent 10%		
			The second secon		
Matrix Notes	100 100	% of the rule requiremen	nt was not met.	•	
			Adjustment	\$9,000	
			·		\$1,000
				<u>L</u>	φ1,000
Violation Events					-
					-
Ņumbe	er of Violation Events	1	77 Number of violation da	ys	
1	nly one an x semiannual		Violation Bas	e Penalty	\$1,000
	annual	x			
One	single event is recommende	d based on documentat investigation.	ion of the violation during the April	19, 2007	***************************************
Economic Benefit (EB)	for this violation		Statutory Limit Te	st	
		4.7	The second secon	Total Control of Market of	
Es	timated EB Amount	\$2	Violation Final Pen	alty Total	\$1,000
		This violation Fi	nal Assessed Penalty (adjusted t	or limits)	\$1,000
	dengal properti ay dawing				

	e a se E	conomic	Benefit W	orks	sheet		
Resnondent	Orange County	Development Co.	a transfer of the second		1. 1		in a single free two the street of the
Case ID No.		2010/04/11/04/1					
Reg. Ent. Reference No.	4						
	Petroleum Stor	ago Tonk				G 3 S A V C 3 S S PAR	Years of
Violation No.	,	age rank				Percent Interest	Depreciation
violation No.		erin elektrik elektrik gira da	verse our europe retern	e spirite grap	migratic parace lings		i dalina i a a a a
						5.0	15
발발을 잃어지는 하는 이번 시간 사람	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs					골길이 봤다. 공취		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	www.as.in/assassass	\$0
Training/Sampling	,			0.0	\$0	Alles in/available	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	0.100	10.1 0007		0.0	\$0	n/a	\$0
Other (as needed)	\$100	19-Apr-2007	8-Aug-2007	0.3	\$2	##### n/a No	\$2
Notes for DELAYED costs	Estimated cost		essment and relea- igation and the Fir			he Date Required is pliance.	the date of the
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	ntering	item (except for	one-time avoided co	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	. \$0	\$0	\$0
Inspection/Reporting/Sampling		1.0		0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]			* 14.4	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		L		0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$2

Screening Date	5-Jul-2007	Docket No. 2	2007-1073-PST-E	PCW
	Orange County Development	Co.	Policy F	Revision 2 (September 2002)
Case ID No.			F	PCW Revision June 26, 2007
Reg. Ent. Reference No.			•	
	Petroleum Storage Tank			
Enf. Coordinator	·····			
Violation Number				a ·
Rule Cite(s)	3	30 Tex. Admin. Code 334.7	5(b)	
Violation Description	from an UST. Specifically, th	ately clean up a spill or ove le investigator observed hy I the tanks leading to the pa	erfill of any petroleum substance drocarbon contamination in and arking lot. Base Penalty	\$10,000
>> Environmental, Property a	and Human Health Matrix			
	Harm			
Release	Major Moderate	Minor		
OR Actual		X	2	
Potential			Percent 10%	
>>Programmatic Matrix Falsification	Major - Moderate	Minor		
raisincation	iviajoi _ ivioderate		Percent 0%	
<u> </u>				*
	Ith or the environment has bee levels that are protective of hu		amounts of pollutants which do tal receptors as a result of the	
		Ad Carlotte Ad	justment \$9,000	. '
	. The Color of the second of t	, ali 1, m, m, Thian an India Barra (B. 174 MB) a Andréa an Thuis a Airthean	Andreas Print Million Contact	
				\$1,000
Violation Events				4,
Number of Vio	lation Events 1	77	lumber of violation days	
mark only one with an x	daily		Violation Base Penalty	\$1,000
		e to the July 5, 2007 scree	ning date.	
Economic Benefit (EB) for thi	s violation		Statutory Limit Test	
Estimated	I EB Amount	\$69	Violation Final Penalty Total	\$1,000
	Thi	s violation Final Assesse	d Penalty (adjusted for limits)	\$1,000

violation in	Reg. Ent. Reference No. RN105209035 Media Petroleum Storage Tank Violation No. 4						
	0.:4 		ng kokendi namb			5.0	Depreciation
먹고 [[] 전 [] [] 사람이다	Item Cost	Date Required	Final Data	Vuo I	ntorest Caused	Onetime Costs	15 EB Amount
Item Description	on No commas or \$		Filial Date	115	interest Saved		EB Amount
Delayed Cost	ts						n en
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	is if a in/a it is also	\$0
Training/Sampling				0.0	\$0	n/a-	\$0
Remediation/Disposal	\$1,500	19-Apr-2007	19-Mar-2008	0.9	\$69	n/a	\$69
Permit Costs	L			0.0	. \$0	ALL n/a still	\$0
Other (as needed)				0.0	. \$0	₩ n/a	\$0
Notes for DELAYED costs Avoided Cost Disposal	ts ANN	IUALIZE [1] avoid	•	date of cor	•	one-time avoided c	osts) \$0
Avoided Cost	is ANN	NUALIZE [1] avoid	•	entering ite	em (except for		
Avoided Cost	ts ANN	NUALIZE [1] avoid	•	entering ite	em (except for \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Cost Disposal Personnel	ts ANN	(UALIZE [1] avoid	•	o.0	em (except for \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	is Ann	IUALIZE [1] avoid	•	0.0 0.0 0.0	em (except for \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	is Ann	IUALIZE [1] avoid	•	0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	is ANN	IUALIZE [1] avoid	•	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ts ANN	NUALIZE [1] avoid	•	0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

PCV	5-Jul-2007 Docket No. 2007-1073-PST-E	Date 5-Jul-2007	Screening Date	
Policy Revision 2 (September 20	Drange County Development Co. Policy	ident Orange County Dev	Respondent	
PCW Revision June 26, 2			Case ID No.	
			. Ent. Reference No.	Reg.
	-	tute] Petroleum Storage	.	
	Shontay Wilcher	nator Shontay Wilcher		
	5	<u> </u>	Violation Number	
	30 Tex. Admin. Code § 334.55(a)(3), 334.55(b)(4)(E), and 334.55(b)(5)(C)(ii)	30 Tex. Admi	Rule Cite(s)	
actor led to able	Failed to ensure that the UST removal is conducted by qualified personnel possessing the appropriate skills, experience, and competence. Specifically, the on-site contractoutilized for the UST removal did not have a TCEQ license. Also, the respondent failed reduce residual vapor levels in the removed USTs to non-explosive and non-ignitable evels for the entire time the USTs remained at the facility and during the entire period transportation.	the appropriate ski utilized for the UST reduce residual va	Violation Description	
nalty \$10,0	Base Penal			
energy and the second	d Human Health Matrix	erty and Human Heal	onmental, Property	>> Enviror
	Harm	Ha	i Badikika i Akan sadan 1964 da sa 1966 da kasa sa manakan masa na Tantan 1966 da 1964 da 1964 da 1966 da 1966	
	Major Moderate Minor		Release Actual	OR
	x Percent 25%		Potentia	UN
•	A TOTAL 2010	terman X	i Otentia	
The state of the state of			ımmatic Matrix	>>Progran
	Major Moderate Minor	cation Major Mod	Falsification	
71	Percent 0%			
	mente de la companya de la companya La companya de la co			
	or the environment will or could be exposed to pollutants which would exceed levels the otective of human health or environmental receptors as a result of the violation. Adjustment \$7,50			
,500	Adjustifient 41,50			
\$2,5			•	
			Events	Violation E
	ation Events 1 77 Number of violation days	of Violation Events	Number of Vic	
	daily	-	,	
nalty \$2,5	monthly quarterly Violation Base Penalt semiannual annual x	monthly quarterly semiannual	mark only one with an x	
007	ent is recommended based on documentation of the violation during the April 19, 2007		One single e	
	investigation.			
	investigation.	or this violation	c Benefit (EB) for th	Economic
	violation Statutory Limit Test	or this violation	aldere spillige (M), de Jennick od politiku drumber i Mr. N. T. A. C. C. C. Charact. Their drumb behave their diversity process	Economic

Case ID No	34138						
Reg. Ent. Reference No	-,						
	Petroleum Stor	age Tank				FLY TURNEY PORT OF	Years of
Violation No		ago raint				Percent Interest	Depreciation
Violation No		Militaria (a. 1911)	n kasamadak	1. 1	gga man wi ata		e se stanti il se mile.
<u> </u>						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			100			
						e	
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land	<u> </u>			0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0 \$0	and in/articles	\$0
Training/Sampling				0.0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.0	- DO	n/a	ΦU
		II .	1		ĒΩ	用以562%用水性中产型/含含6320mm	@O .
Permit Costs Other (as needed)						rplosive levels for the	
	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	0.0 ractor and ed is the s apors wer	\$20 d maintain non-extart date of the re te purged from the	cplosive levels for the emoval of the USTs. e tanks.	\$20 e USTs at the The Final Date
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	0.0 ractor and ed is the s apors wer ntering it	\$20 d maintain non-ex- start date of the re- re purged from the tem (except for e	eplosive levels for the moval of the USTs. e tanks.	\$20 e USTs at the The Final Date
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	0.0 ractor and of is the sapors werendering it	\$20 d maintain non-extant date of the reperped from the tem (except for \$0	cplosive levels for the moval of the USTs. e tanks.	\$20 e USTs at the The Final Date osts)
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	o.0 ractor and dis the sapors were ntering if 0.0 0.0 0.0	\$20 d maintain non-extent date of the ree purged from the tem (except for \$0 \$0 \$0	eplosive levels for the moval of the USTs. e tanks. one-time avoided company of the use	\$20 e USTs at the The Final Date osts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	o.0 ractor and is the sapors were ntering if 0.0 0.0 0.0 0.0	\$20 d maintain non-extent date of the repurged from the tem (except for s\$0\$ \$0\$ \$0\$ \$0\$	explosive levels for the emoval of the USTs. e tanks. one-time avoided company of the use of the u	\$20 e USTs at the The Final Date osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	o.0 ractor and is the sapors were ntering if 0.0 0.0 0.0 0.0 0.0 0.0	\$20 d maintain non-exitart date of the repurged from the tem (except for except for exce	explosive levels for the emoval of the USTs. e tanks. one-time avoided company of the use of the u	\$20 e USTs at the The Final Date osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	ntering it 0.0 ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$20 d maintain non-extent date of the repurged from the tem (except for except for excep	cplosive levels for the emoval of the USTs. a tanks. cone-time avoided cone-time av	\$20 e USTs at the The Final Date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	o.0 ractor and is the sapors were ntering if 0.0 0.0 0.0 0.0 0.0 0.0	\$20 d maintain non-exitart date of the repurged from the tem (except for except for exce	explosive levels for the emoval of the USTs. e tanks. one-time avoided company of the use of the u	\$20 e USTs at the The Final Date osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	ntering it 0.0 ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$20 d maintain non-extent date of the repurged from the tem (except for except for excep	cplosive levels for the emoval of the USTs. a tanks. cone-time avoided cone-time av	\$20 e USTs at the The Final Date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	ntering it 0.0 ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$20 d maintain non-extent date of the repurged from the tem (except for except for excep	cplosive levels for the emoval of the USTs. a tanks. cone-time avoided cone-time av	\$20 e USTs at the The Final Date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co Facility and dur	st for utilizing a lic ing transportation. is the	ensed on-site contr The Date Require date of residual va	ntering it 0.0 ntering it 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$20 d maintain non-extent date of the repurged from the tem (except for except for excep	cplosive levels for the emoval of the USTs. a tanks. cone-time avoided cone-time av	\$20 e USTs at the The Final Date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Custom	ner/Respondent/Owner-Operator:	CN601276389	Orange County Develo	opment Co.	Classification:	Rating:		
Regula	ted Entity:	RN105209035	QUICK WBR		Classification:	Site Rating:		
ID Num	nber(s):	<u> </u>						
Location	ո։	2508 MACARTH	UR DR, ORANGE, TX, 77	7630				
TCEQ F	Region:	REGION 10 - BE	AUMONT			······································		
Date Co	ompliance History Prepared:	July 05, 2007						
Agency Decision Requiring Compliance History:		tory: Enforcement	· · · · · · · · · · · · · · · · · · ·					
Complia	ance Period:	July 05, 2002 to	July 05, 2002 to July 05, 2007					
TCEQ S	Staff Member to Contact for Addition	al Information Regarding	this Compliance History					
Name:	Shontay Wilcher	Ph	none: (512) 239-21	136				
	•	Site C	compliance History Co	omponents				
1. Has t	the site been in existence and/or ope		· · ·	Yes		•		
	there been a (known) change in own			No				
3. If Yes	s, who is the current owner?			N/A		<u></u>		
4. if Ye	s, who was/were the prior owner(s)?			N/A				
5. Whe	n did the change(s) in ownership oc	our?		N/A				
Compo	onents (Multimedia) for the Sit	e:	•					
A.	Final Enforcement Orders, court	udgements, and consent	decrees of the state of Te	exas and the fede	eral government.			
	N/A							
В.	Any criminal convictions of the st	ate of Tevas and the fede	ral government					
υ.	N/A		tal government.					
C.	Chronic excessive emissions eve	nts.	•					
	N/A							
D.	The approval dates of investigation	ons. (CCEDS Inv. Track. I	No.)			•		
	1 06/20/2007 (55806	5)						
E.	Written notices of violations (NO\	/). (CCEDS Inv. Track. No	o.)					
_								
F.	Environmental audits. N/A							
G.	Type of environmental managem	ent systems (EMSs).						
	N/A							
Н.	Voluntary on-site compliance ass	essment dates.						
	N/A							
1.	Participation in a voluntary polluti	on reduction program.						
	N/A				•			
J.	Early compliance.							
	N/A					A		
Sites O	utside of Texas							
	N/A	•						

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	•
CONCERNING	§	TEXAS COMMISSION ON
ORANGE COUNTY	§	
DEVELOPMENT CO.;	§	
RN105209035	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1073-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Orange County Development Co. ("Orange County Development") under the authority of Tex. Water Code chs. 7 and 26 and the rules of the TCEQ. The Executive Director of the TCEQ, represented by the Litigation Division, and Orange County Development represented by Mr. Alan Sanders of the law firm Sanders and Sanders, L.L.P., appear before the Commission and together stipulate that:

- 1. Orange County Development owns property which contained inactive underground storage tanks ("USTs") located at 2508 MacArthur Drive, Orange, Orange County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to Tex. Water Code §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26 and TCEQ rules.
- 3. The Commission and Orange County Development agree that the Commission has jurisdiction to enter this Agreed Order, and that Orange County Development is subject to the Commission's jurisdiction.
- 4. Orange County Development received notice of the violations alleged in Section II ("Allegations") on or about June 20, 2007.

- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Orange County Development of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of six thousand five hundred dollars (\$6,500.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Orange County Development has paid six thousand five hundred dollars (\$6,500.00) of the administrative penalty.
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Orange County Development have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Orange County Development has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

- 1. Orange County Development is alleged to have violated:
 - a. 30 Tex. ADMIN. Code § 334.6 by failing to submit a construction notification form to the TCEQ 30 days prior to the tank removal or failed to request a 30 day construction waiver prior to initiating tank removal activity, as documented on April 19, 2007. Also, Respondent failed to notify the agency between 24 to 72 hours prior to the commencement of the tank removal.
 - b. 30 Tex. ADMIN. CODE § 334.7 by failing to register the USTs in existence on or after September 1, 1987 with the Commission, as documented on April 19, 2007.

- c. 30 Tex. ADMIN. Code § 334.78 by failing to submit a site assessment and a release determination report to the agency for a leaking UST within 45 days after the removal of the three USTs, as documented on April 19, 2007.
- d. 30 Tex. Admin. Code § 334.75(b) by failing to contain and immediately clean up a spill or overfill of any petroleum substance from an UST, as documented on April 19, 2007. Specifically, the investigator observed hydrocarbon contamination in and around the tanks leading to the parking lot.
- e. 30 Tex. Admin. Code §§ 334.55(a)(3), 334.55(b)(4)(E), and 334.55(b)(5)(C)(ii) by failing to ensure that the UST removal is conducted by qualified personnel possessing the appropriate skills, experience, and competence, as documented on April 19, 2007. Specifically, the on-site contractor utilized for the UST removal did not have a TCEQ license. Also, Respondent failed to reduce residual vapor levels in the removed USTs to non-explosive and non-ignitable levels for the entire time the USTs remained at the facility and during the entire period of transportation.

III. DENIALS

Orange County Development generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Orange County Development pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Orange County Development's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Orange County Development Co., Docket No. 2007-1073-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. Orange County Development shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, Orange County Development shall submit a completed UST registration form indicating that the USTs have been removed, in accordance with 30 Tex. ADMIN CODE § 334.7;
- b. Within 30 days after the effective date of this Agreed Order, Orange County Development shall submit an Affected Property Assessment Report, pursuant to 30 Tex. Admin Code § 350.91, to the Executive Director for approval. If response actions are necessary, Orange County Development shall comply with all applicable requirements of the Texas Risk Reduction Program found in 30 Tex. Admin Code ch. 350, which may include: plans, reports, and notices under Subchapter E (30 Tex. Admin Code §§ 350.92 through 350.96); financial assurance (30 Tex. Admin Code §§ 350.33(I); and Institutional Controls under Subchapter F; and
- c. Within 45 days after the effective date of this Order, Orange County Development shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Orange County Development shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b to:

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Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Mr. Derek Eades, Waste Section Manager Texas Commission on Environmental Quality Beaumont Regional Office 3870 Eastex Freeway Beaumont, Texas 77703-1830

- 3. The provisions of this Agreed Order shall apply to and be binding upon Orange County Development. Orange County Development is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If Orange County Development fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Orange County Development's failure to comply is not a violation of this Agreed Order. Orange County Development shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Orange County Development shall notify the Executive Director within seven days after Orange County Development becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Orange County Development shall be made in writing to the Executive Director. Extensions are not effective until Orange County Development receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Orange County Development in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't. Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Orange County Development, or three days after the date on which the Commission mails notice of the Order to Orange County Development, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Orange County Development Co.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
For the Executive Director Date
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or Orange County Development's failure to timely pay the penalty amount, may result in:
 A negative impact on Orange County Development's compliance history; Greater scrutiny of any permit applications submitted by Orange County Development; Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency; Increased penalties in any future enforcement actions against Orange County Development; Automatic referral to the Attorney General's Office of any future enforcement actions against Orange County Development; and TCEQ seeking other relief as authorized by law.
In addition, I understand that any falsification of any compliance documents may result in criminal prosecution Nela Hauseman 1-7-08
Signature Onela Houseman Signature Date PLESIDENT Title
Authorized representative of